

**PLANNING & ZONING COMMISSION
MEETING
FEBRUARY 28, 2006**

Present:

Sarah Murphy, Chairman
Bill Talley Vice-Chairman
Kevin Bittinger,
Allan Feldman
Jim Crain - **Absent**
Derryll Anderson

Call to Order

Chairman Murphy called the February 28, 2006 meeting to order. The first item on the agenda was approval of the minutes from the January 24, 2006 meeting. There were no changes.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Talley motioned to approve the minutes of January 24, 2006 meeting.
Second: Commissioner Anderson seconded the motion.
Vote For: Vice-Chairman Talley, Commissioners Bittinger and Anderson
Abstained: Commissioner Feldman

Motion carried.

Grady Avenue Retail, (Teton Village) 455 South Glynn Street – Development Plans & (4 Variances) from (Sec. 94-227, Sec. 94-227, Sec. 42-71 & Sec. 94-483) File #05-001

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is proposing to develop a mixed office and commercial retail center at the corner of Grady Avenue and South Glynn Street. The applicant asked to have this project tabled because there are some details that needed to be worked out with GDOT. Staff recommended that this project be tabled until the March meeting.

Chairman Murphy called for public comments. There were none. She then called on the commissioners for their comments. No comments from the commissioners.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Talley move to table this project until March 2006 meeting.
Second: Commissioner Anderson seconded the motion.
Vote: Unanimous

Motion carried.

Amendment to the zoning ordinance to address Golf Cart uses (Sec. 94-326), and Tractor Trailer Parking for Commercial uses (Sec. 94-285).

Chairman Murphy called on staff for an overview of these two ordinances. Mr. Gunn stated that this ordinance is for the usage of golf cart for the future golf cart path. The City is trying to make this a walkable community and this ordinance gives a way to regulate the golf cart usage. He added the other ordinance is for tractor trailer parking for commercial uses. Mr. Gunn said that the City Attorney said that there is no urgency to approve these ordinances. Planning and Zoning Commission will be having a retreat in March 2006 and they could discuss these ordinances at that time. Staff recommended that this agenda item be tabled.

Chairman Murphy said that one of the topics of the retreat would be areas in which they may want to recommend changes to ordinances on some of the issues the commission has dealt with. She added that this commission had most success in reviewing complex ordinance changes when they sat down and went over the changes paragraph by paragraph. She added if commission members have suggestions to make sure that they are ready to discuss those at the retreat.

Chairman Murphy called for public comments. There were no public comments.

Chairman Murphy called for a motion.

Motion: Commissioner Bittinger moved to table these two ordinances to be discussed at the Planning and Zoning Commission's retreat.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

New Business

Farrer Woods Subdivision, Jeff Davis Drive – Revised Preliminary Plat - File # 03-008.02

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is requesting that he be allowed to revise the preliminary plat for this subdivision so they could install the garages in the front of the house instead of the rear as was originally approved. The changes would be on some of the lots in the subdivision. When the Planning and Zoning Commission approved this

preliminary plat, a condition was placed in the motion that all of the houses in this subdivision would have rear load garages. However, due to the topography of some of the lots, the builder found out that he would not be able to comply with garages in the rear of those lots. He has identified the lots that he would like to have front load garages. Mr. Gunn said that since the work session the neighbors had met with the builder and he informed them about the front entry garages and they were not pleased with that. However, they came up with some stipulations which they felt, if those were met, and then they could agree on having those lots that were identified to have the front entry garages. The builder agreed to those stipulations, which are:

- Clean up open space from lot 40 to 41, including planting 3 gallon size Leyland Cypress trees at 10 feet intervals along the back side of the current retaining wall which will place the trees at the property line.
- To allow a homeowner group (to include three current homeowners) to review the proposed front entry garage plans prior to the start of construction. Such review will be limited to five days. Approval of plans named Holiday and Travis has already been granted by homeowners of Farrer Woods. All front entry plans will have a side door located on the side of the garage to allow access to the garage without the need for raising the garage door.
- Builder to ensure all street lights and entrance lights to remain in working order until the completion of construction.
- Builder will connect current fences on lots 19 and 20.
- Builder will ensure lot one will be cleaned, seeded and strawed.
- Builder will ensure removal of any/all debris piles on builder owned lots and subdivision common areas.

Mr. Gunn added that staff agrees with the homeowners and the builder has agreed with the stipulations. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Mr. Jeff Betsill represented this project. He said that he did not have anything to add, but would be glad to answer any questions the commission may have. He added that he did meet with the home owners in the subdivision and has agreed with the stipulations they have laid out.

Chairman Murphy asked the applicant if the lots in question were those identified in blue on the revised plat.

Mr. Betsill answered, "Yes".

Chairman Murphy called for public comments. There were none. She then called on the commissioners for their comments.

Commissioner Anderson said that her concerns were if the residents were satisfied with the design.

Mr. Betsill said that they were satisfied.

Vice-Chairman Talley asked if all of those changes and improvements are going to be done prior to the houses being built.

Mr. Betsill said that as far as the stipulations, those would be done prior or in conjunction with the houses being built.

Vice-Chairman Talley said that he would like to make sure the residents have some advantage that all of these things are not carried until the last house is built.

Mr. Betsill added that he contacted that landscaper in reference to planting the Leyland Cypress.

Chairman Murphy said she had called for public comments and no one came forward but she would allow this citizen to come forward to voice his opinion.

A resident of the subdivision said that they have formed an architectural review committee and they are working with Mr. Betsill, and with Mark and Brian Jones. He added that the residents did not have a problem because they know that all of the stipulations cannot be accomplished before he proceeds with building the homes.

Chairman Murphy asked the resident if he was comfortable with getting the stipulated items completed because they have a good working relationship with the builder.

The resident answered, "YES".

Another resident added that the architectural review committee had approved two other homes with the front facing garage in the subdivision and some other improvements that are in the agreement the applicant signed.

Chairman Murphy said that the commission has a copy of the agreement.

Chairman Murphy called for a motion.

Motion: Commissioner Feldman motioned to approve the revised preliminary plat with front entry garages on the lots that are identified on the plat and with stipulations as presented by the homeowners and agreed upon by the builder.

Second: Commissioner Anderson seconded the motion.
Chairman Murphy offered a friendly amendment that the revision is only for those lots identified on the plat as having the topography problem.

Friendly amendment accepted.

Vote: Unanimous

Motion carried.

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if notifications had been received. Mr. Gunn responded no.

Stone Property, Highway 54 West & Gingercake Creek – Rezoning from C-3 & R-40 to MO – File # 06-001

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is requesting to rezone this property. The front half of the property is currently zoned C-3 (Highway Commercial) on Highway 54; they are asking for part of the C-3 property to be rezoned to MO (Medical Office). The City of Fayetteville's Comprehensive Plan Future Land-Use Map designates this site for office use. The other half is zoned R-40 (Single-family residential) and the City of Fayetteville's Comprehensive Plan Future Land-Use Map designates this site for low density single family residential. The applicant is requesting MO zoning which would fit in with office use and the reason they are asking for the MO zoning is to develop a mixed use community with offices and an assisted living center and an independent living homes for 55 and older. Mr. Gunn pointed out where the commercial would be on the front of the property. The applicant would be creating a park in the center of the property. He added that there is Gingercake Creek to one side of the property and that the applicant proposes to improve the pond. Mr. Gunn added that because of the MO zoning this property is required to have two entrances; initially staff opposed the entrance on Burch Road because they felt that it would be adding too much traffic on a road that is not designed for heavy traffic because there is no outlet. The applicant met the City Engineer, who feels because the entrance is further up and not deep into the community and not splitting the neighborhood, that having access to the intersection would be fine if the applicant

did improvements to the intersection. The applicant has agreed to do some work to the intersection. Mr. Gunn said that the road they are proposing from Burch Road is in the county, not in the city. The applicant was talking to staff about the possibility of annexing one lot so they could run the road there but the property owner only intends to grant them an easement for the road. One other problem is that there is a neighborhood on the other side of this property. There is a 30 feet required buffer and the homeowners would like the buffer between them and this development increased. Also, the selling of the independent living homes in an MO zoning district would require a special exception. Mr. Gunn stated that for this project to work there are number of things that needs to be looked at. Staff recommended that this project be tabled to allow the applicant to address those issues.

Chairman Murphy asked if it was correct that in the MO district it is a requirement to have the second road.

Mr. Gunn said it is a requirement, but they don't need to put the entrance on Burch Road; they could have two entrances on Highway 54.

Chairman Murphy added that she would have a major concern with the rezoning without tying down the second access point, especially with the thought that the secondary access may just be an easement rather than a public road or privately owned and maintained road.

Mr. Gunn said that because of the proximity of Burch Road it was unlikely that GDOT would allow them a traffic light onto 54.

Chairman Murphy called on the applicant for additional information.

Mr. Jerry Peterson represented this project. He said that there is an issue with another access on Highway 54, which in the ordinance, allows 500 feet between driveway and the property is only 1,000 feet or less so we would not be able to satisfy the 500 feet, which led us to put the entrance on Burch Road. He added that because of the creek and wetlands it did not seem to be a good idea to do two entrances on Highway 54.

Chairman Murphy called for public comments.

Mr. Craig Davis, 105 Regency, addressed the commission. He said that the City of Fayetteville is already trying to correct a drainage problem for the runoff that comes off Burch Road and the office park. There is a lot of flooding in this area and adding more asphalt is not a good idea.

Mr. Rod Davis said that he is not opposed to the development but he is opposed to the entrance on Burch Road because Burch Road is not big enough to handle traffic.

Mr. Bill Eckel wanted the commission to know that the buffer needs to be increased to protect the residents behind this development. Those residents do not want to see Highway 54 from their yard.

Chairman Murphy asked the applicant if he would like to reply to those concerns the citizens had expressed.

Mr. Peterson said that some of those concerns are more engineering in nature. He added that the highest point elevation is on the west side of the property and slopes down towards Ginger Cake Creek. The idea is to capture the storm water onsite and direct it to the detention pond, which might help if water is going south onto the adjacent properties. Mr. Peterson thinks that with the roads and improvements onsite they might catch the water and direct it back to the detention pond. He added that they talked about the road and this is the only place where a second road could be brought into the property; it would not be a good idea to go further down on Burch Road. He said maybe the commission could do a special exception to have them do one entrance into this development that could be a solution. Mr. Peterson said they could work with the City on the buffer requirements.

Chairman Murphy said that this body does not have the authority to waive the requirement in the ordinance for the secondary access; maybe council could work that out. The buffers could be dealt with at the development plans stage. She added that she would like to be able to deal all the issues, including the proposed annexation, special exception and rezoning, as a package deal.

She called on the commissioners for comments.

Commissioner Bittinger is not comfortable with the access off Burch Road because it is a small residential street and that neighborhood has already been impacted by the office park. He said that adding an access further into Burch Road would compromise the residential feel of the area. It would create additional problems when the residents have to pass that entrance.

Vice-Chairman Talley said he concurred with Commissioner Bittinger based on the people that would be living in this development. They are going to use Burch Road primarily and the majority of the traffic in and out of this development would be coming on Burch Road. Mr. Talley added that with all of the things this body has to take into consideration including drainage because there are problems in that area. This body would make sure that the development is done right and it is about 60% done but we need to make sure the residents get as much buffers they possibly can. He added that it seemed to be a good concept but when there are variances and special exceptions, those are red flags to him and that more study needs to be done before there is any annexation and he would not willing to support any action on this project at this time.

Commissioner Feldman said that because the entrance on Burch Road is on private property on a privately maintained street, it is technically not an exit from this development. He is against using Burch Road as an exit.

There were discussions on using Burch Road as an exit.

Commissioner Anderson had concerns about the property owners around this proposed development and the privately owned easement.

Chairman Murphy added that there are two issues about the road: one was the traffic on Burch Road, and the other is whether the proposed easement area meets the requirements of the ordinance for providing secondary access into the development. Chairman Murphy said she thinks that the commission members are not comfortable with what is proposed even if it technically meets the requirements of the ordinance.

Commissioner Feldman noted that he might be the only one against this but he did not think that an assisted living facility should be two-storied; it would be a hazard for the people living there.

Commissioner Bittinger added that this property was clear cut approximately three years ago and if this development is approved that there needs to be a larger buffer than 30 feet and something planted.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Talley moved to table this project until the details have been worked out.

Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Motion carried.

Fayette Daily News, 210 Jeff Davis Place – Revised Development Plans
File # 03-010.01

Chairman Murphy called on staff for an update on the project. Mr. Gunn stated that the applicant would like to add on to the existing building for storage. He showed the elevations which would match the existing building. At the work session we discussed the upkeep of the property. On the rear there was the dumpster area. The gates were torn off and there was a lot of trash on site that needed to clear. There was also standing water on the property. The applicant had the property cleaned and added a gate on the dumpster. The only remaining issue is the standing water and the applicant is working with the engineering technician on how to address the standing water. Staff recommended approval.

Chairman Murphy called on the applicant for additional information.

Mr. Chuck Morley represented this project. He said that he is working with the City Engineer to address the water problems. He did not have anything else to add.

Chairman Murphy called for public comments. There were no public comments. She called on the commissioners. There were not comments.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Talley motioned to approve the revised development plans for Fayette Daily news.
Second: Commissioner Anderson seconded the motion.
Vote: Unanimous

Motion carried.

Chick –Fil-A, 875 Glynn Street South – Revised Development Plans (Storage Building) – File # 01-021.01

Chairman Murphy called on staff for an update of the project. Mr. Gunn stated that the applicant would like to add a storage building near the dumpster in the rear. They would be attaching the storage building to the dumpster; it would match the existing brick. By adding the storage building it would mean removing a tree and replace it at another location on site. Mr. Gunn added that the applicant had submitted a drawing showing where they would relocate the tree. Staff recommended approval

Chairman Murphy called on the applicant for additional information.

Mr. Jeff Killingsworth represented this project. He said instead of removing the tree they would plant another one with equal or larger caliper.

Chairman Murphy called for public comments. There were no public comments. She called on the commissioners. There were none.

Chairman Murphy called for a motion.

Motion: Commissioner Feldman motioned to approve the revised development plans for Chick-Fil-A with stipulation that the tree be replaced with another one of equal or larger caliper.
Second: Commissioner Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

Staff Reports

Mr. Gunn said that 280 Jeff Davis rezoning would be on the City Council agenda for second reading. On March 16, 2006 they would be swearing in the City new police chief. Mr. Gunn added that the City is having their first stakeholders meeting on March 7, 2006 at 7:00 pm. He said staff created an online survey so citizens could take that survey and give their opinion; it is also posted on our government access channel. We will try to put it on our water bill and in the newspaper. Mr. Gunn asked the commission members if they had decided on a date for the Planning and Zoning Commission retreat. He suggested March 24, 2006. It was tentatively set for

March 24, 2006 at the Depot. Mr. Gunn informed the commission that there would be a called meeting on March 14, 2006 to address a special exception to allow a tire shop to operate in the Banks Crossing Shopping Center. Mr. Gunn said that finally the Mowell house is getting ready to be moved in March.

Chairman Murphy asked if anyone had anything to discuss with the Commission.

Mr. Ben Nelms with Fayette Citizen Newspaper asked if a traffic light would be going in by the hospital anytime soon; there has been an increase in traffic on Highway 54.

Mr. Gunn said that he think that it was approved but the best person to ask is Mr. Easterbrook.

Vice-Chairman Talley and Chairman Murphy agreed that traffic is flowing better around town because there are not many cars stacked up at intersections now.

Chairman Murphy called for a motion to adjourn.

Motion: Commissioner Feldman motioned adjourn the February 28, 2006 meeting.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Meeting was adjourned.

Respectfully Submitted,

Bibi Alli
Staff Assistant